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Variable Compensation Plan for FY 2022

TO: Elected Officials, Agency Directors and Personnel Officers
State Government Agencies

FROM: Kelly Hardwick
Mississippi State Personnel Board Executive Director

DATE: January 20, 2022

**SUBJECT: ADMINISTRATION OF THE VARIABLE COMPENSATION PLAN FOR
FISCAL YEAR 2022 EFFECTIVE JANUARY 1, 2022**

A. **Statement of Purpose**

Administration of the Variable Compensation Plan for Fiscal Year 2022 shall be governed by policies and procedures contained herein. These provisions shall supersede all conflicting policies and procedures for administration of salaries published in the *Mississippi State Personnel Board Policy and Procedures Manual*, any additional or replacement manuals, and all subsequent changes to the manual, effective as of close of business December 31, 2021, and shall become an official attachment to the *Mississippi State Personnel Board Policy and Procedures Manual* for Fiscal Year 2022.

The increase or decrease of any salary under the salary setting authority of the Mississippi State Personnel Board (hereinafter ‘MSPB’) shall comply with the policies below except where Legislative authority specifies otherwise.

The development of the following policies is based upon implementation of Legislative intent as expressed in the following language contained in state service agencies’ appropriation acts:

With the funds herein appropriated, it shall be the agency’s responsibility to make certain that funds required to be appropriated for “Personal Services” for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose, unless programs or positions are added to the agency’s Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through



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reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the Chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2022 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of the Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

Where the Legislature has authorized agency-specific exemptions and/or designated agency-specific actions that may be processed for FY 2022, the Mississippi State Personnel Board will process those transactions within the parameters provided by the Legislature.



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B. Coverage of these Policies

1. These policies shall govern employee salary increases and position changes for:
 - a. State service employees and positions;
 - b. Non-state service employees and positions excluded from the state service by *Mississippi Code Annotated* § 25-9-107(c), but subject to Mississippi State Personnel Board salary setting authority as listed below:
 - (1) Part-time employees and positions [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xi)];
 - (2) Persons appointed on an emergency basis [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xii)];
 - (3) Time-limited employees and positions [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xiv)];
 - (4) Administrative heads appointed by the Governor, board, commission or other authority, unless otherwise fixed by statute [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xv)];
 - (5) Administrative officers, deputies, bureau chiefs, and directors and their positions [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xvi)];
 - (6) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets) [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xxi)]; and
2. Agencies or positions with statutory exclusion (not under the salary setting authority of the Mississippi State Personnel Board and not subject to the compensation policies of this memorandum) are listed below:
 - a. Non-state service agencies [Refer, *Mississippi Code Annotated* §§ 25-9-107 (c)(i), (ii), (iii), (iv), (vii), (viii), and (xvii)];
 - b. Non-state service occupations [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(v), (vi), (ix), and (xiii)];



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- c. Non-state service positions of associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xix)];
 - d. Non-state service positions of deputy superintendents, associate superintendents and divisional directors within the State Department of Education [Refer, *Mississippi Code Annotated* § 37-3-13 (1)];
 - e. Non-state service positions of associate directors, deputy directors and bureau directors within the Mississippi Development Authority [Refer, *Mississippi Code Annotated* § 57-1-5 (3)(c)(xi)]; and
 - f. The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation. [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xxiii)];
 - g. Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Sections 37-140-1 et seq. [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xxii)]
 - h. Employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at a veteran's home established by the State Veterans Affairs Board under Section 35-1-19. [Refer, *Mississippi Code Annotated* § 25-9-107 (c)(xxiv)]
 - i. All employees whether administrative, licensed instructional, non-licensed instructional staff or otherwise employed at the Mississippi School for the Blind and the Mississippi School for the Deaf (*Mississippi Code Annotated* §§ 43-5-1 et seq.
3. Salaries set by statute shall be implemented strictly in accordance with Legislative intent [Refer, *Mississippi Code Annotated* §§ 25-3-31 and 25-3-35].

C. **Policy Provisions for Implementation of Legislative Intent**

1. Realignment

Funds were not appropriated for all agencies, boards, and commissions for this component of the Variable Compensation Plan for Fiscal Year 2022.



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2. In-service Cost of Living Allowance (COLA)

Funds were not appropriated for all agencies, boards, and commissions for this component of the Variable Compensation Plan for Fiscal Year 2022.

3. Reallocations

Funds were not appropriated for all agencies, boards, and commissions for this component of the Variable Compensation Plan for Fiscal Year 2022.

4. Longevity

Funds were not appropriated for all agencies, boards, and commissions for this component of the Variable Compensation Plan for Fiscal Year 2022.

5. Productivity

Funds were not appropriated for all agencies, boards, and commissions for this component of the Variable Compensation Plan for Fiscal Year 2022.

6. No Increase to Appropriated Dollars or Projected Annual Cost

On or about July 1, 2021, the Mississippi State Personnel Board staff shall publish the projected annual cost to fully fund all appropriated positions.

- a. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks.
- b. At the end of each day, the Mississippi State Personnel Board will publish a report indicating the flexibility available to each agency with regard to the projected annual cost or the appropriated dollars.
- c. If the Mississippi State Personnel Board determines the agency has taken an action that would cause the agency to exceed this projected annual cost or the Fiscal Year 2022 "Personal Services" appropriated level when annualized, with the exception of escalated funds and the award of benchmarks, then any subsequent action will not be processed until such time as the agency has sufficiently reduced the projected annual cost and/or the appropriation requirement.



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- d. This language is not intended to stop the escalation of time-limited positions and the award of benchmarks. Escalations and the award of benchmarks shall not be considered to cause an agency to exceed the established limits and will not be accounted for in the reports relative to this language.

D. Scope of State Personnel Director Authority

A. Salary Determination for Current Employees and New Hires

1. Every classification within the MSPB's inventory is assigned to a pay plan and pay grade. For information regarding classification, please refer to the *Mississippi State Personnel Board's Policy and Procedures Manual*. These pay plans are listed in Section G of this plan.
2. Each pay grade consists of a minimum, market, and maximum salary.
3. For salary decisions concerning current employees and new hires, agencies should use criteria outlined below for the four salary zones in determining an appropriate salary for an employee.
4. In making salary determinations, agencies should consider a current or potential employee's peers within the same job family who possess similar education, experience, licensure/certification, and performance.
5. Within each pay range, there are four distinct salary zones. These zones are identified within each pay plan and pay grade in Section G. The criteria for each zone is as follows:
 - a. Zone 1 (within 10% of minimum) - Entry Level. Meets minimum qualifications with little or no prior related experience. Requires active training and management to build knowledge and skills. Salary determinations in Zone 1 are made at the agency level subject to equity audits by MSPB staff.
 - b. Zone 2 (between 10% above minimum to the market) - Has minimal prior closely related experience. Requires active training and management to build knowledge and skills. Salary determinations in Zone 2 are made at the agency level subject to equity audits by MSPB staff.
 - c. Zone 3 (between market and 10% above market) - Has previous closely related experience and a demonstrated ability to perform assigned duties. May need minimal training to perform duties independently. Salary determinations in Zone 3 are made at the agency level subject to equity audits by the State Personnel Director or designee prior to approval.



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- d. Zone 4 (between 10% above market and maximum) – Reserved for those employees who have exemplary performance, a broad and deep knowledge of the position and related areas, and/or possess scarce skills or licenses/certifications that are highly valued in the marketplace. Difficulty to recruit suitable candidates can be considered in paying in Zone 4. Any appointments or salary increases in Zone 4 require Mississippi State Personnel Board approval with the exceptions listed in Section A.6. Additionally, the State Personnel Director or designee may approve salary increases in Zone 4 for employees in job classifications whose salary scale is set by statute.
6. In making salary determinations in Zone 4, certain qualifications are authorized by the Mississippi State Personnel Board to give immediate access to Zone 4 without a separate request presented to and approved by the Mississippi State Personnel Board. These specific qualifications also are exempted from the 10% maximum increase for in-range adjustments. These qualifications include:
 - Certified Examiner in Charge
 - Chartered Financial Analyst
 - Certified Financial Examiner
 - Certified Internal Auditor
 - Certified Insurance Examiner
 - Nursing Home Administrator
 - Certified Public Accountant
 - Certified Government Financial Manager
 - Certified Fraud Examiner
 - Engineer and Geologist in Training as part of a special compensation plan

B. Compensation Delivery Mechanisms

All salary decisions made by agencies utilizing these compensation delivery mechanisms are subject to equity audits by the State Personnel Director or designee prior to or after approval.

1. Title Change – Per appropriations language, absent a special situation or circumstance approved by the State Personnel Board, no state agency shall take any action to promote or otherwise award salary increases through title change of filled or vacant positions. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the Chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairmen of the Appropriations Committees of the Senate and House of Representatives.

Select classifications at the Department of Child Protection Services, Correctional Officers at the Department of Corrections, the Support Care Family at Mental Health, and positions assigned to the Driver Services Bureau at the Department of Public Safety are established as special circumstances and will maintain this status for Fiscal Year 2022. The reallocation of positions in these categories may be approved by the State Personnel Director or designee and reported to the Mississippi State Personnel Board monthly.



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A title change is a movement from one classification to another with greater job content, responsibility, and accountability typically within the same job family. Increase can be between 5-15% and considerations should be given for how many pay grades are between the new and old grade, the employee's current salary in relation to the new pay grade, the level of skill the employee possesses, the employee's recent performance review, and parity with others in the same/new job classification. Exceptions to the 15% maximum will be allowed if the new position is moving from the General Pay Plan to any other pay plan. Additionally, employees in the Medical Pay Plan who obtain the following advanced certifications are exempted from the 15% maximum:

- Nursing Assistant obtains Licensed Practical Nurse
- Licensed Practical Nurse obtains Registered Nurse
- Registered Nurse obtains Nurse Practitioner
- Nurse Practitioner obtains Psychiatric Nurse Practitioner

All requests for a title change must be justified and submitted by the requesting agency as outlined in the *Mississippi State Personnel Board Policy and Procedures Manual* for approval by the Mississippi State Personnel Board or the State Personnel Director or designee. All title changes are subject to review by MSPB staff. Requests for upward title changes for jobs in the Information Technology Occupational Group going from the worker level to the supervisory level shall also be considered on a case-by-case basis by MSPB staff with recommendation by the Information Technology Professional Development Committee.

For title changes, the following approvals are required:

- a. Increasing a current employee from the worker level to the supervisor level requires approval from the Mississippi State Personnel Board.
 - b. Non-supervisory current employees moving upward or laterally within the same job family as well as all title changes for vacant positions require approval from the State Personnel Director or designee.
2. Promotion - Differs from Title Change in that the employee applied for a posted position rather than being progressed through a job family. Increase can be between 5-15% and considerations should be given for how many pay grades are between the new and old grade, the employee's current salary in relation to the new pay grade, the level of skill the employee possesses, the employee's recent performance review, and parity with others in the same/new job classification. Exceptions to the 15% maximum will only be allowed if the new position is moving from the General Pay Plan to any other pay plan **or if the 15% maximum creates a documented salary inequity.** Additionally, employees in the Medical Pay Plan who obtain the following advanced certifications are exempted from the 15% maximum:



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- Nursing Assistant obtains Licensed Practical Nurse
 - Licensed Practical Nurse obtains Registered Nurse
 - Registered Nurse obtains Nurse Practitioner
 - Nurse Practitioner obtains Psychiatric Nurse Practitioner
3. In-Range Adjustments - There are three mechanisms to award an in-range salary increase, but at no point will an employee be allowed to receive more than a cumulative 10 % increase in compensation in total for these reasons within a 12-month period. The three mechanisms are as follows:
- a. Salary Progression - moderate changes in duties and responsibilities which are at a higher level and/or an increase in the variety and scope of the duties assigned. This increase in duties/responsibilities is considered moderate and not significant enough to warrant a Title Change. Additional considerations include performance, longevity, licensure/certification attainment, and job mastery.
 - b. Equity - relationship of employee's salary to the salary of other employees with comparable education, experience, performance, and same or similar duties within the agency.
 - c. Immediate Labor Market Changes - allows agencies to address immediate changes in the labor market that may impact retention, the work performed is critical, and replacing an employee is difficult.
4. Demotion - A movement from one classification to another with less job content, responsibility, and accountability typically within the same job family. The agency must provide a written acknowledgement signed by the impacted employee or a statement from the appointing authority or designee for disciplinary/involuntary demotions. For salary determination of a demotion, the following guidance governs pay determination:
- a. Voluntary Demotion within 12 months of appointment/promotion – reduce pay by amount of the promotional increase received.
 - b. Voluntary Demotion after 12 months of appointment/promotion – reduce pay to appropriate level within new range based on qualifications and peers.
 - c. Involuntary Demotion due to Discipline/Performance – reduce pay to appropriate level within the new range.
5. Legislative Increases - Direct appropriation from the Legislature based on performance, cost of living, and/or market shall be implemented in accordance with Legislative intent.



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C. Additional Compensation

Forms of additional compensation above base pay to accommodate the full and efficient operation of an agency in the delivery of essential services within or outside of the standard work schedule or the standard workplace include the following:

1. Extensive Travel – paid to an individual(s) in a designated job classification(s) who are required by the appointing authority to travel at least eight work nights per month on a continuous basis. Qualifying employees can be paid additional compensation at a dollar amount set by the employing agency at a maximum of \$800 per month.
2. Standby – paid to an individual(s) in a designated job classification(s) who are required by the appointing authority to remain available after regularly assigned working hours to provide emergency services which are restricted to the care, preservation, and protection of life and property. Standby pay is awarded at 10% of an employee's hourly rate for the hours on call.
3. Call Back – paid to an individual(s) in a designated job classification(s) who are required by the appointing authority to return to work after regular hours to provide emergency services which are restricted to the care, preservation, and protection of life and property. Call Back is paid at the standard hourly rate for hours worked over the standard work period.
4. Shift Differentials – paid to an individual(s) in a designated job classification(s) within a department, agency, or institution which provides service twenty-four hours a day. Shift differentials are 10% for evening shift and 15% for night shift.
5. Special Duty Pay – paid to an individual(s) in a designated job classification(s) who are required by the appointing authority to perform temporary duties other than those regularly assigned. Employees can only be detailed to a supervisory position. The position to which the employee is being detailed must be vacant or filled by an incumbent who is not available for duty due to an authorized leave.
6. Type/Duty/Location Pay – paid to an individual(s) in a designated job classification(s) when critical recruitment or employee retention problems are recognized in a specific location. Rates vary based on classification and location.

Certification of additional compensation shall be limited to those forms of additional compensation previously approved by the MSPB, with the exception of call-back/overtime pay and any other form of compensation that may be subject to the Fair Labor Standards Act during Fiscal Year 2022. The MSPB shall consider other requests for additional compensation where the requests are justified by demonstrating that delayed implementation would seriously impair critical agency operations.



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D. Agency Head Salary Determination – Each agency head is assigned to a tier with a minimum, market, and maximum salary. However, each agency head’s salary will be capped by the Mississippi State Personnel Board’s recommendation regardless of the minimum and maximum salaries listed for their tier. These recommendations are based on the prevailing wage in the four contiguous states and any applicable statutory provisions. The Mississippi State Personnel Board must approve any decrease in agency head salary.

E. Salaries that Exceed the Agency Head

Mississippi Code Annotated Section 25-3-39 establishes a ceiling for salaries in relation to the Governor’s salary and that of the agency head. Please refer to this section when making salary decisions for agency heads and salaries that exceed the agency head. In reference to the language contained within this statute, the Mississippi State Personnel Board reviews requests for salary exemptions for select classifications on a case-by-case basis and has determined that the salaries of physicians and actuaries are exempt from Section 25-3-39 of the *Mississippi Code Annotated*.

F. A current Performance Review System rating shall be on file and be provided with, or submitted prior to, requests for processing personnel actions.

G. All classifications are assigned to a Pay Plan and Grade as identified below:

Mississippi General Pay Plan					
Grade	Minimum/Zone 1	Zone 2	Market	Zone 3	Maximum/Zone 4
20	\$101,626.42	\$111,789.07	\$127,033.02	\$139,736.34	\$158,791.28
19	\$91,555.33	\$100,710.88	\$114,444.17	\$125,888.59	\$143,055.21
18	\$82,482.28	\$90,730.52	\$103,102.85	\$113,413.15	\$128,878.56
17	\$74,308.36	\$81,739.21	\$92,885.45	\$102,174.01	\$116,106.81
16	\$66,944.47	\$73,638.93	\$83,680.59	\$92,048.66	\$104,600.73
15	\$61,416.94	\$67,558.65	\$76,771.18	\$84,448.31	\$95,963.98
14	\$56,345.82	\$61,980.41	\$70,432.28	\$77,475.51	\$88,040.35
13	\$51,693.41	\$56,862.76	\$64,616.77	\$71,078.45	\$80,770.96
12	\$47,425.15	\$52,167.68	\$59,281.44	\$65,209.59	\$74,101.80
11	\$43,509.31	\$47,860.25	\$54,386.64	\$59,825.31	\$67,983.30
10	\$40,286.40	\$44,315.05	\$50,358.00	\$55,393.81	\$62,947.50
9	\$36,624.00	\$40,286.41	\$45,780.00	\$50,358.01	\$57,225.00
8	\$33,600.00	\$36,960.01	\$42,000.00	\$46,200.01	\$52,500.00
7	\$31,111.11	\$34,222.23	\$38,888.89	\$42,777.79	\$48,611.11
6	\$28,542.30	\$31,396.54	\$35,677.88	\$39,245.68	\$44,597.35
5	\$26,185.60	\$28,804.17	\$32,732.00	\$36,005.21	\$40,915.00
4	\$24,023.49	\$26,425.84	\$30,029.36	\$33,032.30	\$37,536.70
3	\$22,039.90	\$24,243.90	\$27,549.87	\$30,304.87	\$34,437.34
2	\$20,220.09	\$22,242.11	\$25,275.11	\$27,802.63	\$31,593.89



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1	\$18,216.30	\$20,037.93	\$22,770.37	\$25,047.42	\$28,462.96
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Information Technology Pay Plan					
Grade	Minimum/Zone 1	Zone 2	Market	Zone 3	Maximum/Zone 4
12	\$101,657.06	\$111,822.78	\$127,071.33	\$139,778.47	\$158,839.16
11	\$90,765.23	\$99,841.77	\$113,456.54	\$124,802.21	\$141,820.68
10	\$82,513.85	\$90,765.24	\$103,142.31	\$113,456.55	\$128,927.89
9	\$73,673.08	\$81,040.40	\$92,091.35	\$101,300.50	\$115,114.19
8	\$65,779.54	\$72,357.50	\$82,224.42	\$90,446.87	\$102,780.52
7	\$60,906.98	\$66,997.69	\$76,133.72	\$83,747.10	\$95,167.15
6	\$55,877.96	\$61,465.77	\$69,847.45	\$76,832.21	\$87,309.31
5	\$50,798.15	\$55,877.97	\$63,497.68	\$69,847.46	\$79,372.10
4	\$44,954.11	\$49,449.53	\$56,192.64	\$61,811.91	\$70,240.80
3	\$40,137.60	\$44,151.37	\$50,172.00	\$55,189.21	\$62,715.00
2	\$36,160.00	\$39,776.01	\$45,200.00	\$49,720.01	\$56,500.00
1	\$32,000.00	\$35,200.01	\$40,000.00	\$44,000.01	\$50,000.00

Medical Pay Plan					
Grade	Minimum/Zone 1	Zone 2	Market	Zone 3	Maximum/Zone 4
11	\$181,879.60	\$200,067.57	\$227,349.50	\$250,084.46	\$284,186.87
10	\$151,566.33	\$166,722.97	\$189,457.91	\$208,403.71	\$236,822.39
9	\$126,305.28	\$138,935.81	\$157,881.59	\$173,669.76	\$197,351.99
8	\$104,384.53	\$114,822.99	\$130,480.66	\$143,528.73	\$163,100.82
7	\$86,987.10	\$95,685.82	\$108,733.88	\$119,607.28	\$135,917.35
6	\$75,640.96	\$83,205.07	\$94,551.20	\$104,006.33	\$118,189.00
5	\$65,774.75	\$72,352.23	\$82,218.44	\$90,440.29	\$102,773.04
4	\$55,741.31	\$61,315.45	\$69,676.64	\$76,644.31	\$87,095.80
3	\$47,238.40	\$51,962.25	\$59,048.00	\$64,952.81	\$73,810.00
2	\$38,720.00	\$42,592.01	\$48,400.00	\$53,240.01	\$60,500.00
1	\$32,000.00	\$35,200.01	\$40,000.00	\$44,000.01	\$50,000.00

Executive Director Pay Plan			
Tier	Minimum	Market	Maximum
3	\$109,944.00	\$146,592.00	\$183,240.00
2	\$93,452.00	\$124,603.00	\$155,754.00
1	\$79,434.00	\$105,912.00	\$132,390.00